

15-5991 SHAW V. UNITED STATES

DECISION BELOW: 781 F.3d 1130

LOWER COURT CASE NUMBER: 13-50136

QUESTION PRESENTED:

This case is an excellent vehicle to resolve the question left open in *Loughrin v. United States*, 134 S.Ct. 2384 (2014), about which all of the circuits have now weighed in and remain openly, and increasingly, divided: Whether, for purposes of subsection (1) of the bank-fraud statute, 18 U.S.C. §1344, a "scheme to defraud a financial institution" requires proof of a specific intent not only to deceive, but also to cheat, a bank, as the majority of circuits -- nine of twelve -- have held and as petitioner Lawrence Shaw argued before the Ninth Circuit Court of Appeals, which instead joined the minority view in affirming his convictions for a scheme directed at a non- bank third-party.

CERT. GRANTED 4/25/2016